

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

HELEN EHI ETINFOH
PAULA WHITFIELD

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CR. NO. H-09-423

ORDER

At the close of the evidence offered by the Government, and again at the close of all of the evidence, Defendants each moved for judgments of acquittal, and the Court reserved decision on the motions at the time they were made. See FED. R. CRIM. P. 29. The jury returned its verdict on April 16, 2010. Both Defendants have filed submissions to renew their motions made at the close of the Government's evidence and motions made at the close of all of the evidence in post-verdict motions for acquittal. The Government has filed separate responses in opposition to Defendants' motions.

A post-verdict motion for judgment of acquittal is judged by the same standard as a motion for judgment of acquittal at the close of the Government's evidence or at the close of all of the evidence. The Court is required to consider "if the evidence is insufficient to sustain a conviction." United States v. Burns, 597 F.2d 939, 941 (5th Cir. 1979).

The late distinguished scholar Charles Alan Wright succinctly described the standard that applies to a motion for judgment of

acquittal, and his text is republished in the current edition of Federal Practice and Procedure:

On a motion for judgment of acquittal, the court is required to approach the evidence from a standpoint most favorable to the Government, and to assume the truth of the evidence offered by the prosecution. If on this basis there is substantial evidence justifying an inference of guilt, the motion for acquittal must be denied.

3 WRIGHT, KING & KLEIN, FEDERAL PRACTICE AND PROCEDURE § 553 (3d Ed. 2004) (footnotes with citations omitted).

After having carefully considered separately with respect to each of Defendants Etinfoh and Whitfield, both sets of motions for acquittal (made at the close of evidence offered by the Government, and again at the close of all of the evidence), on the basis of the evidence at the time the ruling in each instance was reserved, and having considered the post-verdict motions and submissions for judgment of acquittal filed by both Defendants, it is


ORDERED that each of the motions for judgment of acquittal made by Defendants Etinfoh and Whitfield is DENIED. In so holding, the Court concludes that there is substantial evidence justifying an inference of guilt with respect to each of these Defendants with respect to the counts of conviction. See FED. R. CRIM. P. 29. Accordingly, it is

ORDERED that Defendant Etinfoh's Motions for Judgment of Acquittal upon which the Court reserved decision at trial, and her

post-verdict Motion for Judgment of Acquittal (Document No. 144), are in all things DENIED; and Defendant Whitfield's Motions for Judgment of Acquittal upon which the Court reserved decision at trial, and her post-verdict Motion for Judgment of Acquittal (Document No. 148), are in all things DENIED.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 18th day of May, 2010.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE